# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/966,700 | 09/28/2001 | Steven G. Smith | 0220-083 | 6438 |

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| EXAMINER |
|---|
| NGUYEN, STEVEN H D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2616 | |

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/966,700 | SMITH ET AL. |
| | Examiner | Art Unit | |
| | Steven Nguyen | 2616 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>03 May 2006</u>.

2a)☐ This action is **FINAL.**     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,2 and 4-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2 and 4-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1.      A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 5/27/06 has been entered.

### *Claim Objections*

2.      Claim 8 objected to because of the following informalities: Line 6, "systems" should be

changed to "system". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.      Claims 8-9 rejected under 35 U.S.C. 102(e) as being McDowell by (US 20020035605).

Regarding claim 8, McDowell discloses a method of receiving data sent from a first

computing device (Fig 2, Ref 210) to at least one of a plurality of second computing devices (Fig

2, Ref 731 and 733) over a wireless digital packet switched network (Fig 2, Ref 712) comprising

at a protocol server (Fig 2, Ref 136 for receiving IM message from Ref 210, Pages 7-8, Sec 90-

98), receiving data from a messaging application running on a computing device over wireless

digital packet switched network, while maintaining contact with a remote system accessing

application running on the computing device via the wireless digital packet switched network

(Page 3, Sec, 44, the subscriber retrieves information from private database; Page 7-9, Sec 83-98,

Page 10, Sec 106); forwarding the data from the messaging application to a messaging server via

the protocol server (Fig 2, Ref 210, 136, IM server); determining an intended recipient of the

data at the messaging server and forwarding the data from the messaging directly to the intended

recipient without transmitting the data through the protocol server (Figs 1 and 7-8, Pages 7-8, the

IM message is forwarded to the intended recipient (Fig 7-8, Ref subscriber) via internet, Sec 90-

98 or from 704 via internet 700 to 714, Fig 7).

Regarding claim 9, McDowell discloses at the protocol server (fig 2, Ref 136) receiving a

request for legacy data from the remote system accessing application via the wireless digital

packet switched network (fig 2, Ref 201-207) and forwarding the request to a remote system (Fig

2, Ref 220,119); (Page 3, Sec, 44, the subscriber retrieves information from private database;

Page 7-9, Sec 83-98,  Page 10, Sec 106)

5.      Claims 1-2 and 4-13 rejected under 35 U.S.C. 103(a) as being unpatentable over

McDowell (US 20020035605) in view of Doss (US 20020188620).

Regarding claims 1 and 7-13, McDowell discloses a method and system of sending data

from a first computing device (Fig 2, Ref 210) to at least one of a plurality of second computing

devices (Fig 2, Ref 212, Application Servers) over a wireless network (Fig 2, Ref 201 and 207)

comprising initiating a first application (Web Browser, Page 7, 83 or page 10, 106) on a first

computing device (Fig 2, Ref 210) including a wireless interface the first application for

accessing and retrieving legacy data from a remote system (Fig 2, Ref 220, 119 or Fig 7, Ref

741) via a protocol server (Fig 2, Ref 136); initiating a second application on the first computing

device (Pages 7-8, Sec 90-98, IM application), the second application providing an instant

messaging service and enabling instant messaging data to be sent from the first computing device

(Fig 2, Ref 210) to an instant messaging server (Fig 1, Ref 116) via the protocol server (Fig 2,

Ref 136) over a wireless network (Fig 2, Ref 201-207); generating data to be sent from the first

computing device to the at least one of the plurality of second computing devices (Pages 7-8, Sec

90-98 and Web Browser, Page 7, 83 or page 10, 106), wherein data is generated from the first

application (3, Sec 44, Page 7, Sec 83 or page 10, Sec 106) as a request from the protocol server

(Fig 2, Ref 136) to the remote system (Fig 2, Ref 220, 119 or Fig 7, Ref 741) and from the

second application (Pages 7-8, Sec 90-98) as an instant message from the protocol server (Fig 2,

ref 136) to the instant message server (Fig 1, Ref 116) and is transmitted by way of the wireless

device (Fig 2, Ref 210); and transmitting the generated data from the first computing device to

the protocol server for delivery of the request to the legacy system (Web Browser, Page 3, Sec

44, Page 7, Sec 83 or page 10, Sec 106) and for delivery of the instant message to the instant

messaging server for delivering the message to the second device (Pages 7-8, Sec 90-98) wherein

the instant message is delivered to the instant messaging server for further delivery to the at least

one of the plurality of second computing devices without transmitting the instant message

through the protocol server (Figs 1 and 7-8, Pages 7-8, the IM message is forwarded to the

intended recipient (Fig 7-8, Ref subscriber) via internet, Sec 90-98 or from 704 via internet 700

to 714, Fig 7). However, McDowell fails to disclose a wireless modem at the client device and

access point device in order to initiate a request to a modem controller for access to the wireless

digital packet switched modem. In the same field of endeavor, Doss discloses a method and

system comprising a plurality of client devices (Fig 2, Ref 10), plurality of application servers

(Fig 2, Ref 47-48) and protocol server (Fig 2, Ref 46) for coupling between network (Fig 2, Ref

49) and wireless packet network (Fig 2, Ref 42); the client and access point include a modem for

establishing a wireless connection between the client and access point (Pages 3-4, [0031], [0035]

and [0037] ) wherein the protocol server (Fig 2, Ref 46) transmitting the generated data including

the request to the legacy system and the instant message via an X.25 protocol (Page 3, [0035]).

Since, a method and system for using the modems to establish a wireless connection

between a client and access point is well known and expected in the art. Therefore, it would

have been obvious to one of ordinary skill in the art at the time of invention was made to apply a

modem into a device to be use for establishing a wireless connection between the client and

access point using x.25 protocol as disclosed by Doss into the method and system of McDowell.

The motivation would have been to expand the intranet.

Regarding claim 2, McDowell discloses the first application can access a plurality of

remote data systems (Web Browser, Page 3, Sec 44, Page 7, Sec 83 or page 10, Sec 106).

Regarding claim 4, McDowell discloses the instant message is addressed to a user

represented by a user identifier (Page 9, Table 4).

Regarding claim 5, McDowell and Doss fail to fully disclose the user identifier comprises

one of a group of allowed recipients the method further comprising detecting at the instant

messaging server whether the user identifier is of the group of allowed recipients, and delivering

the message to the recipient only when the user identifier is of the allowed group. However, the examiner takes an official notices that a method and system for detecting at the instant messaging server whether the user identifier is of the group of allowed recipients, and delivering the message to the recipient only when the user identifier is of the allowed group is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to detect the clients that belong to the group of clients that allows to receive the instant message into a method and system of McDowell and Doss in order to prevent the instant message server to delivery an instant message to a correct receiver and provide a security.

Regarding claim 6, McDowell discloses establishing an interactive connection between the first computing device and the second computing device (Page 8, Sec 99).

## *Conclusion*

6.     The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen (Us 20020177453), Yu (US 7058036); Cruickshank (US 20020077082); Nachman (US 20010027474) Kirmse (USP 6699125) disclose a method and system for allowing the wireless device to access a remote system for retrieving data and exchange IM message.
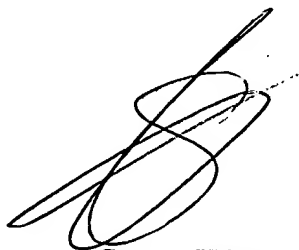
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven HD Nguyen
Primary Examiner
Art Unit 2616
July 15, 2006